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ZONING CHANGE REVIEW SHEET

CASE: C14-2010-0042 – Sunset Ridge

P.C. DATE: April 27, 2010

ADDRESS: 8401 Southwest Parkway

OWNER & APPLICANT: Los Indios Ventures, Inc. (Tim Jamail)

ZONING FROM: IP-NP

TO: GO-NP

AREA: 9.6 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general office – conditional overlay – neighborhood plan (GO-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,200.

PLANNING COMMISSION RECOMMENDATION:

April 27, 2010:

ISSUES:

The Applicant has met to discuss the restrictive covenant amendment and rezoning cases with the Travis Country West Home Owners Association.

DEPARTMENT COMMENTS:

The rezoning area is a legal tract with frontage on Southwest Parkway, contains one vacant structure and is zoned industrial park – neighborhood plan (IP-NP) district with the base district established through the 1985 Oak Hill Area Study. The Restrictive Covenant attached to the IP zoning ordinance establishes a maximum floor-to-area ratio of 0.25 to 1; requires compliance with the Williamson Creek ordinance; and establishes permitted and conditional commercial, industrial and civic uses.

The tract is adjacent to the Travis Country West subdivision to the east and south (SF-2-CO-NP), one single family residence to the west (GO-MU-CO-NP), and undeveloped land across Southwest Parkway to the north (LR, LO, SF-6-CO, all outside the Oak Hill Combined Neighborhood Planning Area). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant is seeking to amend the Restrictive Covenant in order to construct an office development, and has also been approached by a church to add religious assembly, and related administrative support, day care services and educational facilities as a permitted use.

Staff has recommended that the Applicant file a rezoning request from IP-NP to GO-NP in conjunction with the related Restrictive Covenant Amendment request to modify certain uses

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and development standards. Staff supports the rezoning and restrictive covenant amendment requests as it will remove an industrially-zoned tract and other intensive industrial and commercial uses over the aquifer, provide SOS water quality ponds, and reduce the maximum impervious cover for an office use from 65% to 55%.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	IP-NP	One vacant structure; Undeveloped
<i>North</i>	SF-2-CO; SF-6-CO; LR; LO	Undeveloped; One single family residence
<i>South</i>	SF-2-CO-NP	Pond and single family residences within the Travis Country West subdivision
<i>East</i>	SF-2-CO-NP	Pond and single family residences within the Travis Country West subdivision
<i>West</i>	GO-MU-CO-NP	One single family residence

NEIGHBORHOOD PLANNING AREA: West Oak Hill **TIA:** Is not required

WATERSHED: Williamson Creek / **DESIRED DEVELOPMENT ZONE:** No
Barton Creek – Barton Springs Zone – Contributing Zone

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods (OHAN) 605 – City of Rollingwood
705 – OHAN 78735 712 – Travis Country West Home Owners Association
742 – Austin Independent School District 779 – Oak Hill Combined NPA Staff Liaison
786 – Home Builders Association of Greater Austin
917 – Barton Creek North Property Owners Association
943 – Save Our Springs Alliance 1037 – Homeless Neighborhood Association
1075 – League of Bicycling Voters 1113 – Austin Parks Association
1166 – Oak Hill Neighborhood Planning Contact Team
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group
1236 – The Real Estate Council of Austin, Inc.

SCHOOLS:

Oak Hill Elementary School

Small Middle School

Austin High School

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3**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0250 – Amarra Drive Lot 1 – 8718-8734 Southwest Parkway; 5105-5301 and 5305-5325 Barton Creek Boulevard	DR to MF-1	To Grant MF-1-CO with the CO for 2,000 trips and maximum of 215 units. The Commission also recommended that the Applicant comply with future erosion and sedimentation controls at the site permit stage	Approved MF-1-CO as Commission recommended with a Restrictive Covenant for two-star Green Building and erosion and sedimentation control measures that exceed current requirements (3-20-08).
C14-06-0061 – 8509 Southwest Parkway	GO-MU-CO to GO-MU-CO, in order to remove the CO that restricts development of the Property to one residential unit	To Grant GO-MU-CO with the CO for a 2,000 trips per day limit	Approved GO-MU-CO as Commission recommended (07-27-06).
C14-01-0083 – Sutter Residence – 8700 Southwest Parkway	DR to SF-2	To Grant SF-2-CO with CO for 2 residences	Approved SF-2-CO with CO for 0.184 residences per acre (8-23-01).
C14-99-2144 – Travis Country West – Southwest Parkway at Travis Cook Road	LR; GR; IP to SF-2	To Grant SF-2-CO	Approved SF-2-CO with CO establishing a maximum of 2.139 residential units per acre and allowing one curb cut to Old Bee Caves Road (10-5-00).
C14-94-0044 – Jamail Zoning Change – 5601 Sunset Ridge	GO to GO-MU	To Grant GO-MU-CO	Approved GO-MU-CO with the CO restricted to one dwelling unit (6-23-94).
C14-92-0117 – Parkway II – 8212 Barton	SF-3; LO, LR to GR	Scheduled for Commission, but postponed indefinitely -	Not applicable

Club		Expired	
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RELATED CASES:*1985 Zoning and Restrictive Covenant*

The subject property was annexed into the City limits on December 19, 1985 approved for IP zoning on September 17, 1987 (C14-85-288.166), as part of the Oak Hill Study. The Restrictive Covenant attached to the IP zoning ordinance establishes development standards, as well as permitted and conditional uses. A copy of the recorded Restrictive Covenant is provided as Attachment A.

2008 Oak Hill Neighborhood Plan and Rezonings

The property is designated as Office on the Future Land Use Map (FLUM) of the Oak Hill Neighborhood Plan. The rezonings associated with the West Oak Hill Neighborhood Plan Area were approved by Council on December 11, 2008 (C14-2008-0129, Ordinance No. 20081211-098). The base district of the subject property did not change, and the NP combining district was added.

2010 Restrictive Covenant Amendment

The Applicant requests an amendment of the Restrictive Covenant to increase the FAR and reduce the maximum impervious cover for an office use, add religious assembly and related administrative support, day care services and educational facilities as a permitted use, provide SOS water quality ponds for either an office or religious assembly use, and remove 10 of the more intensive industrial and commercial uses over the aquifer (C14-85-288.166 (RCA) – Sunset Ridge).

Land Use Determination and Approved Site Plan

The property has an approved land status determination and is not required to be platted (C8i-03-0087). There is an existing approved site plan for a three-story office building and a four-level parking garage that is within the 0.25: to 1 FAR limitation. This site plan is valid until September 9, 2010 (SPC-03-0014C). Please refer to Exhibit C.

ABUTTING STREETS:


Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Southwest Parkway	Varies	Varies	Arterial, MAD 6, 17,300 vpd (TXDOT, 2005)	No	Yes, Priority 1 bike route	Not available
Sunset Ridge	50 feet	Varies	Local	No	No	No

CITY COUNCIL DATE: May 27, 2010**CASE MANAGER:** Wendy Rhoades




e-mail: wendy.rhoades@ci.austin.tx.us


ACTION:**PHONE:** 974-7719



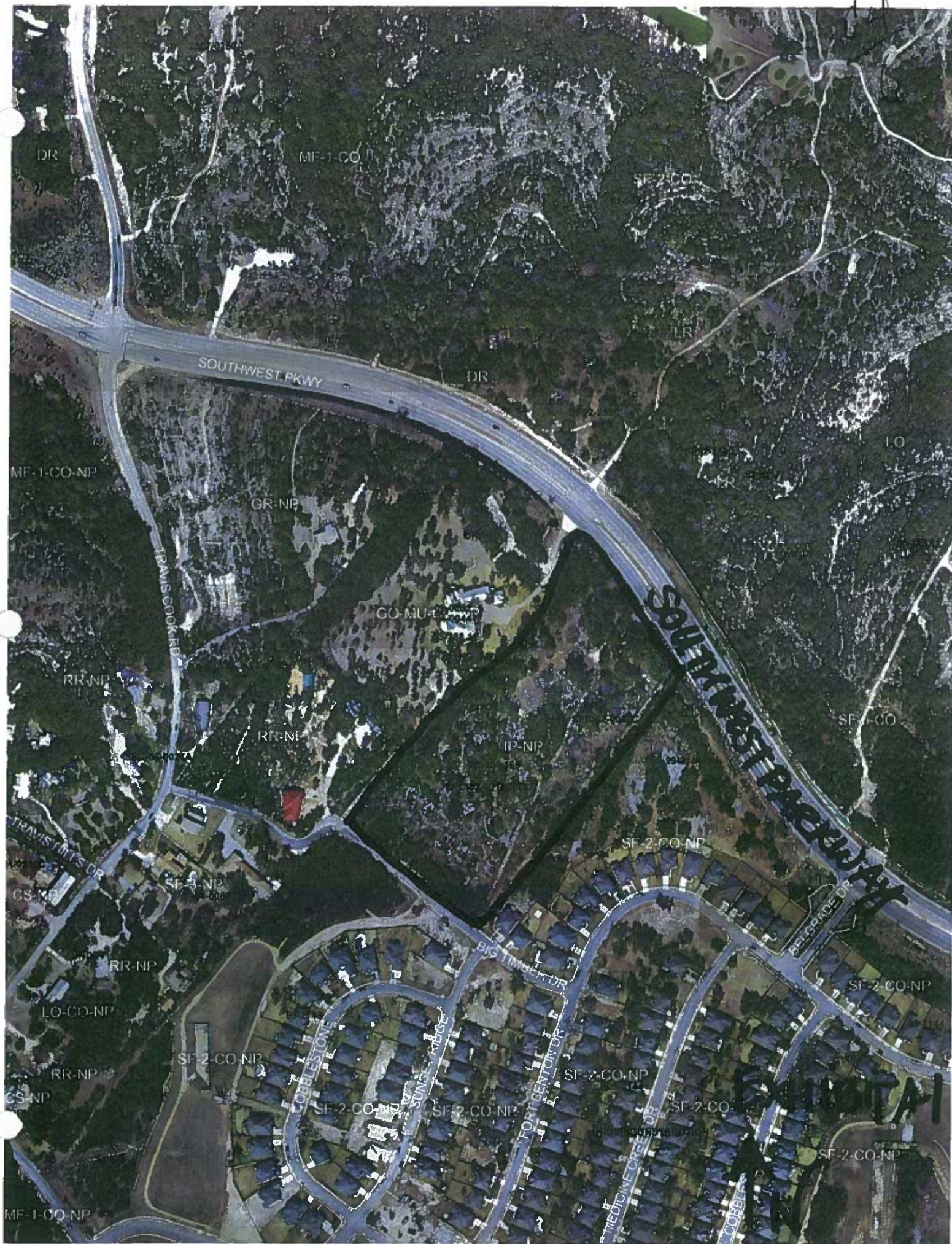


1" = 400'

<p> SUBJECT TRACT</p> <p> ZONING BOUNDARY</p> <p> PENDING CASE</p> <p>OPERATOR: S. MEEKS</p>	<p>ZONING</p> <p>ZONING CASE#: C14-2010-0042</p> <p>ADDRESS: 8401 SOUTHWEST PKWY</p> <p>SUBJECT AREA: 9.6 ACRES</p> <p>GRID: B21</p> <p>MANAGER: W. RHOADES</p>	<p style="font-size: 2em; font-weight: bold; text-align: center;">EXHIBIT A</p>
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This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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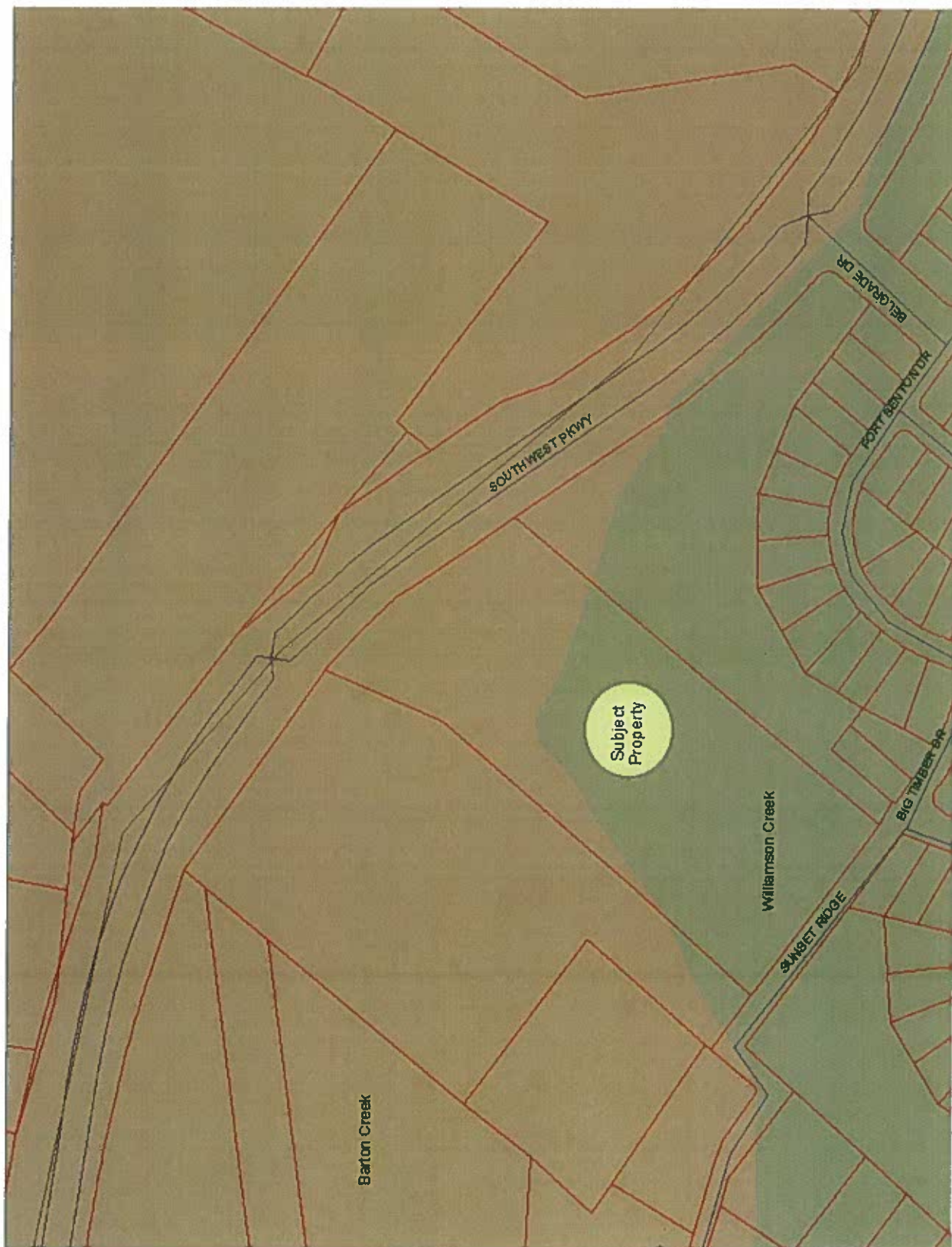


EXHIBIT B
WATERSHED MAP

DATE: 1/15/88
 CHECKED BY: J.S.
 DRAWN BY: J.S.
 JOB NO. 85-288.11

ADVANCED CONSULTING ENGINEERS
 Civil Engineering Consultants, Planners
 801 SOUTH IN. ST. SUITE 200C
 AUSTIN, TEXAS 78701
 (512) 444-1700

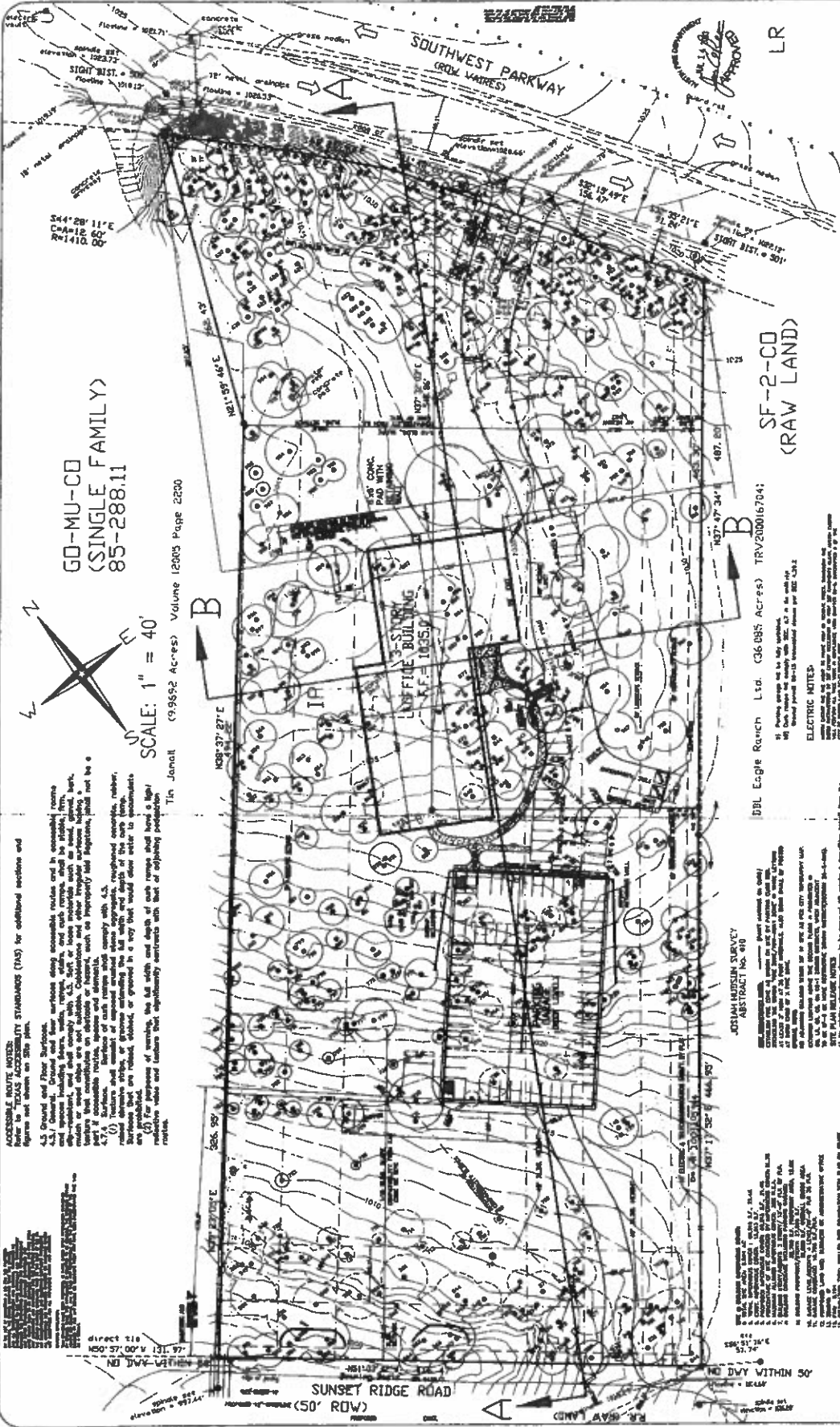


SITE PLAN
 6401 SOUTHWEST PARKWAY, AUSTIN, TEXAS
SUNSET RIDGE AT SOUTHWEST PARKWAY

SHEET NO.
 2 OF 17

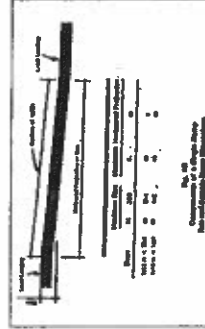
SPC-03-0013C

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LEGEND

Symbol	Description
(Symbol)	Proposed Building Footprint
(Symbol)	Proposed Parking Space
(Symbol)	Proposed Driveway
(Symbol)	Proposed Walkway
(Symbol)	Proposed Landscaping
(Symbol)	Proposed Fencing
(Symbol)	Proposed Utility Lines
(Symbol)	Proposed Easement
(Symbol)	Proposed Right-of-Way



GD-MU-CD
 (SINGLE FAMILY)
 85-288.11

SCALE: 1" = 40'

Tin Janell (99692 Acres) Volume 12005 Page 2200

SF-2-CD
 (RAW LAND)

DBL Eagle Ranch Ltd. (36.095 Acres) TRV200016704;

JOSIAH HUDSON SURVEY
 ABSTRACT NO. 410

NOTES:

1. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.
2. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.
3. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.
4. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.
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10. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.

ELECTRIC NOTES:

1. The site is located within the boundaries of the Josiah Hudson Survey, Abstract No. 410, and is subject to the terms and conditions of the deed of dedication for the same.
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Exhibit C
 APPROVED SITE PLAN

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RESTRICTIVE COVENANT

Owner: Boston Lane G.L.S. Joint Venture

Owner's Address: 11130 Jollyville Road
Austin, Texas 78759

Consideration: One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owners, the receipt and sufficiency of which is acknowledged.

Property: All that certain tract, piece or parcel of land, lying and being situated in the County of Travis, State of Texas, described in Exhibit "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property; and,

Owners of the Property, for the consideration, impress the Property with these covenants and restrictions running with the land:

1. The Property shall be limited to a maximum of .25 to 1 floor to area ratio as defined by Section 1212 of Chapter 13-2A of the Austin City Code.

2. Development of the Property shall be in compliance with Sections 9-10-171 through 9-10-230 and Sections 13-3-401 through 13-3-475 of the Austin City Code, which regulate site development and subdivisions in the Williamson Creek Watershed.

3. The Property shall be limited to the following use types, defined in the Austin City Code:

Commercial Uses

Administrative and Business Offices
Agricultural Sales and Services*
Arts and Craft Studio (Limited)
Arts and Craft Studio (General)
Arts and Craft Studio (Industrial)
Building Maintenance Services
Business Support Services
Business or Trade School
Communications Services
Constructions Sales and Services
Financial Services
Indoor Entertainment
Indoor Sports and Recreation
Medical Offices
Outdoor Sports and Recreation
Personal Services
Professional Offices
Research Services*
Restaurant (Convenience)
Restaurant (Limited)
Restaurant (General)
Service Station

*Not permitted in the Critical Water Quality Zone.

Industrial Uses

Custom Manufacturing
Light Manufacturing
Limited Warehouse and Distribution
General Warehouse and Distribution

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Civic Uses

Communication Services Facilities
Cultural Services
Day Care Services (Commercial)
Group Homes, Class I (Limited & General)
Group Homes, Class II
Local Utility Services
Maintenance and Services Facilities
Railroad Facilities
Safety Services

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4. The following use types are permitted if approved by the Conditional Use Procedure described in Sections 6200 through 6290 of Chapter 13-2A of the Austin City Code:

Commercial Uses

Outdoor Entertainment

Civic Uses

Club or Lodge
Parking Facilities

5. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

6. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

7. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this the 28th day of August, 1987.

Boston Land & L.S. Joint Venture

BY:

Robert R. Gurn
Robert R. Gurn

This instrument was acknowledged before me on this the 20th
day of August, 1987 by Robert R. Gunn, on behalf of
Boston Lane G.L.S. Joint Venture.

Jane C. Buerchner
Notary Public, State of Texas

JANE C. BUERCNER
Notary's name (printed):

My commission expires: 3-23-89

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Oak Hill Surveying Co., Inc.
6120 Hwy. 290 West • Austin, TX 78735 • (512) 892-5320

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Sept. 13, 1984

FIELD NOTES DESCRIBING A 12.1557 ACRE (529,500 S.F.) TRACT OF LAND OUT OF THE J. HUDSON SURVEY NO. 530 IN TRAVIS COUNTY, TEXAS, SAID 12.1557 ACRE TRACT OF LAND BEING CONVEYED TO E. F. OERTLI BY DEED RECORDED IN VOLUME 2401, PAGE 10 AND VOLUME 2308 PAGE 166 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 12.1557 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron pipe found on the Northeast line of a 50' wide roadway easement at the Southwest corner of that certain 52.59 acre tract of land conveyed to James H. Arnold, et. ux. by deed recorded in Volume 3459, Page 2250 of the Travis County Deed Records, said point being situated at the Southeast corner of said tract conveyed to E. F. Oertli by deed recorded in Volume 2401, Page 10 of the Travis County Deed Records.

THENCE with the Northeast boundary line of said Roadway Easement N46°49'20"W for 416.33 feet to an iron pipe found at the most Southerly corner of that certain 11.50 acre tract of land conveyed to Evan Hintner by deed recorded in Volume 6513, Page 107 of the Travis County Deed Records.


THENCE along the East boundary of said 11.50 acre tract same being the West boundary of the herein described tract the following three (3) courses:

1. N43°35'26"E for 326.82 feet to an iron pipe found.
2. N42°32'12"E for 494.13 feet to an iron pipe found.
3. N26°11'24"E for 450.08 feet to an iron pipe found on the Southwest boundary line of that certain 9.53 acre tract of land described in a deed to Evan Hintner recorded in Volume 5991, Page 1382 of the Travis County Deed Records.

THENCE with the fenced Southwest boundary line of said 9.53 acre tract S46°43'32"E for 517.82 feet to an iron pipe found at the Northwest corner of said 52.59 acre James H. Arnold tract.

THENCE along the fenced West boundary line of said 52.59 acre tract S41°46'34"W for 1250.90 feet to the POINT OF BEGINNING of the herein described tract containing 12.1557 acres of land more or less.

I HEREBY CERTIFY that these notes were prepared from a survey made on the ground under my supervision according to law and are true and correct to the best of my knowledge.


Jimmy F. Johnson
Jimmy F. Johnson, R. P. S. #4018

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THOMAS H. JESTER

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EARL LEE MANN
2877/28
1928

W. 9776
JAMES P. HEMAN, THS
2474/576
1922 A

PHILEY S. EAST
3221/501
1924

ALVIN S. HEMAN, THS
2474/576
1924

VICENT J. STRASSER
2473/720
1924

SAMUEL S. JACKSON
2480/747
1924

R. M. JOHNSON, SUR 74

ANGELUS L. VOUTERBACH
3151/775
1924

EVAN HODDER
2447/25
1924

ALFRED C. MARTIN, M. L.
2441/500
1924

EVAN HODDER
2413/107
1924

A. GENTILL
2404/148
1924

JAMES W. CO
2317/213
1924

A. HERO

JAMES H. BRUGOLD, JR. CO.
2409/2280
1924

J. HUDSON, SUR 530

J. N. LANGOLD, JR.
2408/210
1924

MAY SMITH, SR.
2471/600
1924

DESS E. SMITH
2471/670
1924

FRANCIS S. HITCHMAN
2174/271
1924

MARTIN L. COLEMAN
2091/188
1924

OAK VALLEY
2100/170
1924

ROSEMELE HEND
2300/170
1924

WILLIAM S. CANTWELL
2472/217
1924

JAMES S. GARTLEY
2472/217
1924

JAMES L. GARTLEY

40147

SUR 75

IN SHADOWS

SUR

2472/217

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14**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant general office – conditional overlay – neighborhood plan (GO-CO-NP) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 2,200.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff supports the rezoning and restrictive covenant amendment requests as it will remove an industrially-zoned tract and other intensive industrial and commercial uses over the aquifer, provide SOS water quality ponds, and reduce the maximum impervious cover for an office use from 65% to 55%.

EXISTING CONDITIONS**Site Characteristics**

The site contains one vacant structure located along Southwest Parkway, and is otherwise undeveloped. The property slopes gently towards Sunset Ridge to the south.

Impervious Cover

The maximum impervious cover allowed on commercial properties subject to the Williamson Creek ordinance is 65% for areas with slopes between 10 and 20 percent.

Environmental

This site is not located over the Edwards Aquifer Recharge Zone (the site is located over the Edwards Aquifer Contributing Zone). As shown in Exhibit B, the site is in the Williamson Creek and the Barton Creek Watershed of the Colorado River Basin, which are classified as Barton Springs Zone (BSZ) watersheds. It is in the Drinking Water Protection Zone. At this time, information has been provided indicating that a Restrictive Covenant grandfathers the property to the Williamson Creek Ordinance (Ordinance No. 840726-LL).

Single and two-family residential development shall not exceed a projected impervious cover of 40 percent. The projected impervious cover on any single commercial lot shall not exceed 40 percent within 200 feet of a Critical Water Quality Zone of a major waterway, within 100 feet of a Critical Water Quality Zone of an intermediate waterway, and no commercial

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development shall occur within 100 feet of the centerline of a minor waterway. Unless the aforementioned commercial development provisions are more restrictive, no commercial development shall exceed 65 percent cover on slopes of 10 to 20 percent gradient, nor 25 percent on slopes greater than 20 percent gradient.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. If further explanation or specificity is needed, please contact the City Arborist at 974-1876.

All developments on this site will be subject to providing detention, sedimentation, and filtration for water quality control when projected impervious cover exceeds 18 percent.

Transportation

Additional right of way may be required at the time of subdivision or site plan application.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,200 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Any changes to the site plan which is affected by this amendment will need to proceed through the revision process. The revision will need to comply with Commercial Design Standards, Subchapter E, per the approval of the extension on February 6, 2007. FYI -The site plan was extended until September 9, 2010.

If the restrictive covenant amendment is approved, a correction will need to be submitted to update the FAR, gross floor area on the site plan sheets.

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The site is located within 1,000 feet of Southwest Parkway and within a Hill Country Roadway Corridor. Except for clearing necessary to provide utilities or site access, a 75 foot vegetative buffer will be required along Southwest Parkway. The height of a building in the Southwest Parkway roadway corridor may not exceed the lesser of: the height permitted by the zoning or the site plan approved for the property; or 60 feet.

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.